

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 DANE FLY,

Case No. 3:23-cv-00518-ART-CSD

4 Plaintiff

ORDER

5 v.

6 STATE OF NEVADA, et al.,

7 Defendants

8

9 On October 24, 2023, pro se plaintiff Dane Fly, an inmate in the custody of the
 10 Nevada Department of Corrections, submitted a document titled, in part, “Motion for
 11 Leave to File 42 U.S.C. 1983 Violations of Fourth, Fifth, Eighth, and Fourteenth
 12 Amendments[.]” (ECF No. 3-1). The Court construes the document as a civil-rights
 13 complaint under 42 U.S.C. § 1983 because it is legible, contains substantially all the
 14 information called for by the court’s form civil-rights complaint, and has been personally
 15 signed by Plaintiff. See Nev. Loc. R. LSR 2-1; *see also* Fed. R. Civ. P. 11(a). But Plaintiff
 16 has neither paid the full \$402 filing fee for this action nor filed an application to proceed
 17 *in forma pauperis*. Plaintiff, however, has submitted a financial certificate that is properly
 18 signed both by the Plaintiff and a prison official and a copy of his prison trust fund account
 19 statement for the previous six-month period. (ECF No. 3-3).

20 The United States District Court for the District of Nevada must collect filing fees
 21 from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights
 22 action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28
 23 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply
 24 to the court for leave to proceed *in forma pauperis*.” Nev. Loc. R. LSR 1-1. For an inmate
 25 to apply for *in forma pauperis* status, the inmate must submit **all three** of the following
 26 documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis**
 27 **for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by
 28 the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the

1 Court's approved form, that is properly signed by both the inmate and a prison or jail
2 official; and (3) a copy of the **inmate's prison or jail trust fund account statement for**
3 **the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. LSR 1-2.

4 It is therefore ordered that Plaintiff has **until November 27, 2023**, to either pay the
5 full \$402 filing fee or file with the Court a completed application to proceed *in forma*
6 *pauperis* with the inmate's two signatures on page 3.

7 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
8 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
9 to refile the case with the Court, under a new case number, when Plaintiff can file a
10 complete application to proceed *in forma pauperis* or pay the required filing fee.

11 The Clerk of the Court is directed to send Plaintiff Dane Fly the approved form
12 application to proceed *in forma pauperis* for an inmate and instructions for the same and
13 retain the complaint and exhibits (ECF Nos. 3-1, 3-2) but not file them at this time.

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15 DATED THIS 26th day of October 2023.

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UNITED STATES MAGISTRATE JUDGE

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